



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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TECHNICAL STAFF REPORT

Clifton C. Link Property

Planning Board Hearing of October 3, 2019

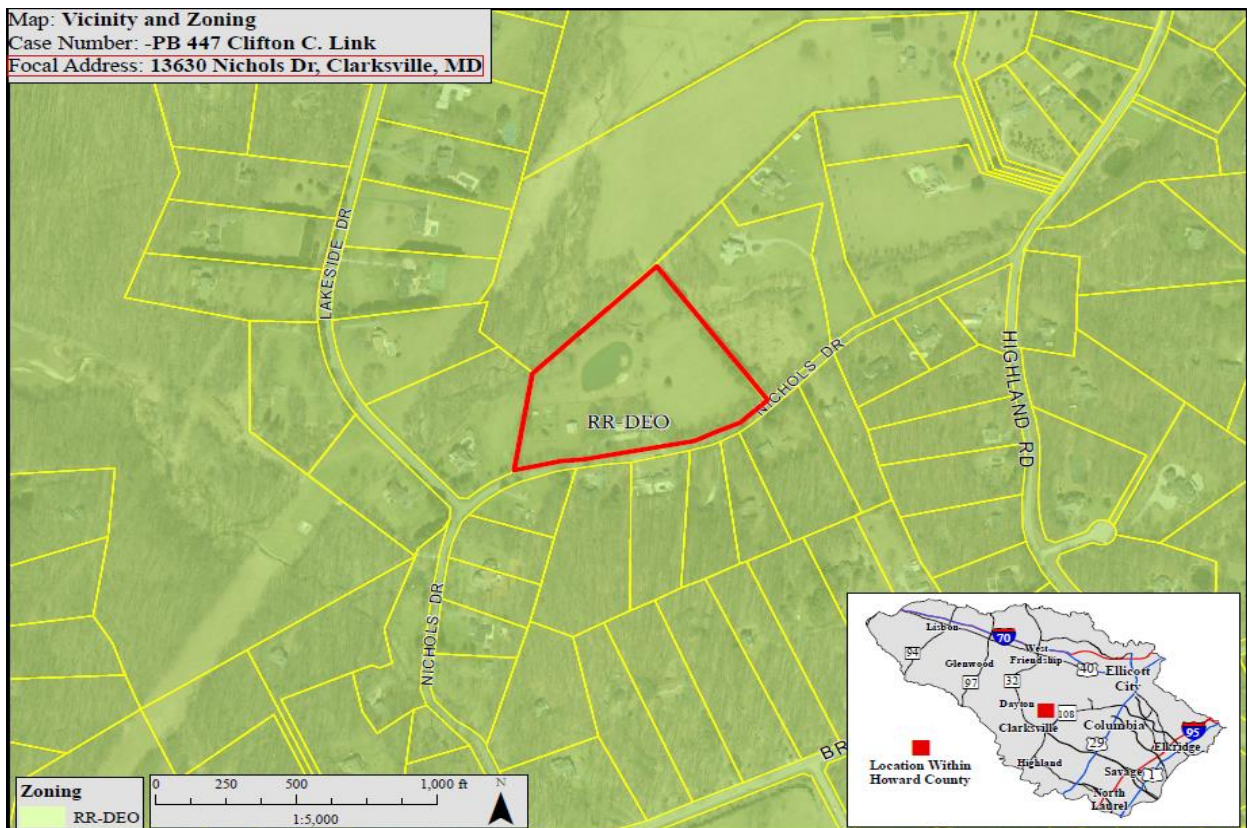
File No./Petitioner: PB-447, Donald and Judith Proia

Project Name: Clifton C. Link Property – Lots 10 & 11 (F-18-098)

DPZ Planner: Justin Schleicher, 410-313-3371, jschleicher@howardcountymd.gov

Request: To approve Final Plan (F-18-098) for a 9.36± acre resubdivision that creates two buildable lots and associated site improvements. The property is zoned “RR-DEO” (Rural Residential- Density Exchange Option) and is in the Tier III Growth Area; therefore, it is subject to Senate Bill 236, *The Sustainable Growth and Agricultural Preservation Act of 2012*. **The sole Planning Board review and approval criterion is based on “the potential environmental issues or a natural resources inventory related to the proposed residential major subdivision”.**

Location: The property (Tax Map 34, Grid 9, Parcel 368, Lot 1, in the Fifth Election District of Howard County, MD) is accessed via Nichols Drive.



Vicinal Properties:

Surrounding properties to the north, south, east and west are zoned RR-DEO and designated Tier III. They include mostly single-family detached houses and farmland with associated farm buildings.

Legal Notice:

The property is required to be posted in two local newspapers at least 30 days prior to the Planning Board public hearing. The applicant posted in the Baltimore Sun and Howard County Times. The property was properly posted and verified by DPZ.

Regulatory Compliance:

The Amended Fifth Edition of the Subdivision and Land Development Regulations, the Zoning Regulations (effective October 6, 2013), the Howard County Design Manual, the Adequate Public Facilities Ordinance, the Forest Conservation Manual and the Landscape Manual all apply.

History:

- **Plat #3720, Clifton C. Link Property** – Recorded on June 17, 1977, for three residential lots.
- **ECP-17-066, Environmental Concept Plan**- Approved January 31, 2018, for the resubdivision of Clifton C. Link Property Lot 1 into two buildable lots.
- **F-18-098, Final Plan**- Submitted August 7, 2018, for the resubdivision of Clifton C. Link Property Lot 1 into two buildable lots. The plan was found to be technically complete on May 20, 2019.
- **WP-18-057, Alternative Compliance Petition**- Submitted November 15, 2017, to seek alternative compliance for Section 16.120(b)(4)(iii)(b) of the Subdivision Regulations, which specifies that for a lot or buildable preservation parcel of ten acres or greater in size, floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention may be located on the lot or parcel if the building envelope is no closer than 35 feet from these environmental features provided that a deck may project ten feet beyond the building envelope. The petitioner requested alternative compliance to allow a perennial stream, 100-year floodplain, wetland, stream buffer and wetland buffer on both proposed lots of the Clifton C. Link Property Lots 10 & 11, which are less than 10 acres in size. The alternative compliance request was approved on January 3, 2018.

Analysis:

Site Improvements- Both lots will obtain access from Nichols Drive, a local County road. The existing dwelling will remain on proposed Lot 11 and continue to use the same access. The proposed dwelling will utilize a new driveway.

Setbacks- The proposed development complies with all setback requirements.

Stormwater Management (SWM)- Stormwater Management will comply with the Stormwater Management Act of 2007 by providing Environmental Site Design (ESD) to the maximum extent practicable (MEP). SWM will be managed with an infiltration berm, in accordance with the MDE Stormwater Design Manual.

Environmental Features- a perennial stream, wetlands, approximately 1.81 acres of floodplain, and 2.68 acres of forest exists in the northern portion of the property. No environmental features or forest will be impacted by the proposed development.

Landscaping- Landscaping complies with the Howard County Landscape Manual and Design Criteria. Perimeter landscaping is being provided along the required property boundaries.

Forest Conservation- This plan is conditionally exempt from the forest conservation obligation with the filing a Declaration of Intent for an intrafamily transfer.

Adequate Public Facilities- This project is exempt from APFO housing unit allocation and school testing requirements per Section 16.1107(b)(1)(vi): Resubdivisions which create the potential of only one additional dwelling unit to be conveyed to an immediate family member from a lot existing on April 10, 1992 provided that the following conditions are met: the property owner must have owned the property for a minimum of three years before requesting subdivision; the family member must be a parent, child, or sibling (the term immediate family member does not include step-parents, step-children, or step-siblings), the property owner shall not seek further subdivision of the property or another family member exemption for a period of three years; and finally, the granting of this family member exemption shall prohibit the property owner from seeking a hardship extension.

Adequate Road Facilities- This plan is exempt from the adequate road facilities test.

Development Criteria- This plan complies with the Howard County Subdivision and Land Development Regulations and the October 6, 2013, Howard County Zoning Ordinance.

Planning Board Criteria: The Subdivision Plan complies with the two criteria requirements of Senate Bill 236, *The Sustainable Growth and Agricultural Preservation Act of 2012*:

1. **The cost of providing local governmental services to the residential major subdivision unless a local jurisdiction's Adequate Public Facilities Ordinance already requires a review of government services.**

Howard County has an Adequate Public Facilities ordinance; therefore, this requirement has been met.

2. **The potential environmental issues or a natural resources inventory related to the proposed residential major subdivision.**

Environmental features on the property will not be disturbed. The forest, floodplain, wetlands, stream and their associated buffers are being protected and no impact is proposed.

SRC Action: The SRC determined the Final Plan can be approved, subject to addressing minor drafting errors that must be corrected prior to DPZ signature approval.


Valdis Lazdins, Director
Department of Planning and Zoning

09/19/19

Date

Please note that this file is available for public review by appointment at the Department of Planning and Zoning's public service counter, Monday through Thursday, 8:00 a.m. to 5:00 p.m. and Friday, 8:00 a.m. to 3:00 p.m.